

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takao SHUDO

Application No.: 10/724,137

Confirmation No.: 1206

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Art Unit: 2141

For: IMAGE PROCESSING APPARATUS,
PROGRAM PRODUCT AND MANAGEMENT
SERVER EXECUTING PRESCRIBED
PROCESS TO A TRANSMITTED IMAGE (as
amended)

Examiner: Chirag R. Patel

APPEAL BRIEF UNDER 37 CFR 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Applicants request review of the final Office Action dated April 4, 2008. Applicants filed a notice of appeal on September 3, 2008.

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Konica Minolta Co., Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 23 claims pending in the application.

B. Current Status of Claims

1. Claims canceled: none
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 1-23
4. Claims allowed: none
5. Claims rejected: 1-23

C. Claims On Appeal

The claims on appeal are claims 1-23.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final rejection dated April 4, 2008.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Appealed independent claim 1 is directed to an image processing apparatus capable of communicating with a management server. (e.g., Figures 1 and 2, element 1; paragraph [0028]). The apparatus comprises an image data input unit inputting image data (e.g., Figure 2, scanner 110; paragraph [0040]), an authentication information input unit inputting authentication information necessary for authenticating a user (e.g., Figure 2, element 104; paragraph [0040]), and an authentication information transmitter transmitting said input authentication information to the management server (e.g., Figure 2, element 103; paragraph [0040]).

The apparatus of claim 1 further comprises an additional function list receiver receiving from the management server, in response to the transmission of said authentication information,

additional function information for specifying an additional function that is registered in association with the user in an additional function list, the additional function list including at least one additional function executable by said management server (e.g., Figure 2, element 114; paragraph [0046]). Examples of the additional function list and the additional function information are shown in Figures 4 and 5, respectively (e.g., paragraphs [0061] and [0063]). The apparatus further comprises an additional function selector for selecting a desired additional function from the additional function list (e.g., Figure 2, element 112; paragraph [0048]), and an instruction transmitter transmitting said additional function information and said input image data to said management server (e.g., Figure 2, element 111; paragraph [0040]).

Appealed independent claim 14 is directed to a management server capable of communicating with an image processing apparatus (e.g., Figures 1 and 3, element 2; paragraph [0029]). The management server comprises an additional function storage unit storing an additional function list associating identification information for identifying a user with an additional function executable by the management server (e.g., Figure 3, element 201; paragraph [0054]). Examples of the additional function list, identification information, and executable functions are shown in Figure 4.

The management server of claim 14 further comprises an authentication information receiver receiving authentication information necessary for authenticating the user from the image processing apparatus (e.g., Figure 3, element 203; paragraph [0055]), an authentication unit determining if said received authentication information is true or not (e.g., Figure 3, element 203; paragraph [0055]), and an additional function transmitter extracting, when said received authentication information is determined to be true by said authentication unit, information of an additional function stored in the additional function list in association with identification information included in said authentication information, and transmitting the additional function information to said image processing apparatus (e.g., Figure 3, element 204; paragraph [0057]).

The management server still further comprises a processing execute unit executing, when receiving image data and said additional function information from said image processing apparatus in response to the transmission of said additional function information, a process to said received image data in accordance with the additional function specified by said received additional function information (e.g., Figure 3, element 205; paragraph [0059]).

Appealed independent claim 22 is directed to an image processing program product stored on a computer-readable medium and executed by an image processing apparatus capable of communicating with a management server (e.g., Figure 7A; paragraph [0068]). The program product causes the image processing apparatus to input image data (Figure 2, element 110; paragraph [0040]), input authentication information necessary for authenticating a user (Figure 7A, S201; paragraph [0068]), and transmit the input authentication information to the management server (e.g., Figure 7A, S202; paragraph [0068]). The program product causes the image processing apparatus to receive additional function information from the management server to allow a user to specify an additional function registered in association with the user (e.g., Figure 7A, S203; paragraph [0071]), accept a selection of the additional function (e.g., Figure 7A, S205; paragraph [0072]), and transmit the additional function information and the input image data to the management server (e.g., Figure 7A, S206; paragraph [0073]).

Appealed independent claim 23 is directed to an information processing program product stored on a computer-readable medium, the information processing program product executed by a management server which is capable of communicating with an image processing apparatus and including an additional function list store unit storing an additional function list associating identification information for identifying a user with an additional function executable by the management server (e.g., Figure 7B; paragraph [0068]). The information processing program product causes the management server to receive authentication information necessary for authenticating the user (e.g., Figure 7B, S301; paragraph [0069]), and determine if the received

authentication information is true or not (e.g., Figure 7B, S302; paragraph [0069]). When the received authentication information is determined to be true, the program product causes the management server to extract an additional function stored in the additional function list in association with identification information included in the authentication information and transmit additional function information for specifying the extracted additional function to the image processing apparatus (e.g., Figure 7B, S303-S305; paragraph [0070]). When image data and additional function information are received from the image processing apparatus in response to the transmission of the additional function information, the program product causes the management server to execute a function to said received image data in accordance with an additional function specified by the additional function information (e.g., Figure 7B, S307; paragraph [0074]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The rejection of claims 1-10, 12-20, and 22-23 under 35 USC 102(e) on Rublee, U.S. Patent Application Publication No. 2003/0043416.

B. The rejection of claims 11 and 21 under 35 USC 103(a) on Rublee in view of White, U.S. Patent Application Publication No. 2004/0120009.

VII. ARGUMENT

The rejection of claims 1-10, 12-20, and 22-23 should be withdrawn because Rublee fails to disclose at least the following features recited in the independent claims: (A) additional function information; (B) a management server; and (C) additional function selection. The Examiner has asserted that Rublee discloses these features; however, as explained below, the Examiner's position is based on improper comparisons between Rublee's disclosure and the claimed subject matter. The rejection of claims 11 and 21 should be withdrawn because White fails to cure Rublee's defects.

A. Rublee fails to disclose additional function information as recited in claims 1, 14, 22, and 23

Claims 1, 14, 22, and 23 each recite “additional function information” indicating additional functions associated with a user and executable by a management server. For instance, claim 1 recites “additional function information for specifying an additional function that is registered in association with [a] user in an additional function list, the additional function list including at least one additional function executable by [a] management server.” Rublee fails to disclose or suggest a similar feature.

The Examiner compares the claimed additional function information with Rublee’s disclosure of user authentication information. (See, e.g., Office Action dated 4/4/08, p. 3, paragraph 2.) This comparison is improper.

Rublee’s authentication information includes either a login name and password or an accounting code used to login to a scanner system. (See, e.g., *Id.*; see also, Advisory Action dated 7/14/08, p. 2, paragraphs 2-3 and Rublee, paragraphs [0016] and [0019].) The scanner system uses the authentication information to retrieve an e-mail address so that when an authenticated user scans and e-mails a document from the scanner system, the retrieved e-mail address is appended to the “from” field of the e-mail. (See, Rublee at [0020].)

Rublee’s authentication information differs from the claimed “additional function information” in several ways.

First, Rublee’s authentication information does not specify an “additional function that is registered in association with [a] user in an additional function list,” as required by claim 1. The Examiner maintains that Rublee’s authentication information specifies additional function information by identifying an e-mail address. In particular, the Examiner states “an e-mail address of the identified sending person [is] *interpreted as an additional function* when reading claims in

light of the spec per the discussion above.” (See, Office Action dated 4/4/08, p. 3, paragraph 2, emphasis added.) This is not a reasonable interpretation.

The Examiner has argued that this interpretation is supported by the following language in paragraph [0037] of Applicants’ specification: “[t]he additional function is not limited thereto as long as it is a process that handles image data and executable by a computer.” (See, Office Action dated 4/4/08, p. 2, paragraph 1.) The cited language, however, does not encompass Rublee’s e-mail addresses because Rublee’s e-mail addresses do not constitute processes that handle image data as described in the specification, nor are Rublee’s e-mail addresses executable by a computer.

The Examiner has argued in the alternative (See, Advisory Action dated 7/14/08, p. 2, paragraph 4) that Rublee’s *transmission* of e-mails based on an auditing code constitutes an additional function as claimed. This is also not a reasonable interpretation.

Rublee’s auditing codes are used to retrieve e-mail addresses. Rublee’s transmission capability, however, is not registered in association with a user, either indirectly via the auditing codes, nor in any other way. Moreover, Rublee’s transmission capability is not included in an additional function list. To the contrary, Rublee’s transmission capability is simply a system capability provided for all users. Thus, Rublee’s transmission capability does not constitute an additional function as claimed, and therefore it does not support the Examiner’s comparison Rublee’s authentication information with the claimed additional function information.

Because Rublee’s e-mail addresses do not constitute “additional functions,” Rublee’s authentication information does not specify an “additional function that is registered in association with [a] user in an additional function list.” Accordingly, the rejection of claim 1 should be withdrawn.

Second, Rublee’s authentication information does not specify an additional function that is registered in an “*additional function list* including at least one additional function executable by [a] management server,” as required by claim 1. The Examiner has cited Rublee’s paragraph [0018] as

teaching the claimed additional function list; however, the cited text contains no disclosure related to a list. Because Rublee fails to disclose an additional function list, Rublee fails to disclose additional function information specifying an additional function in an “additional function list including at least one additional function executable by [a] management server.” Accordingly, the rejection of claim 1 should be withdrawn.

Independent claims 14, 22, and 23 recite features similar to claim 1 and are therefore allowable over Rublee for reasons similar to those presented above.

B. Rublee fails to disclose a management server as recited in claims 1, 14, 22, and 23

Claims 1, 14, 22, and 23 each recite “a management server” capable of transmitting additional function information to an image processing apparatus in response to received authentication information. Rublee fails to disclose or suggest a similar feature.

The Examiner has compared the management server of claims 1, 14, 22, and 23 with Rublee’s e-mail server. (See, e.g., Office Action dated 4/4/08, p. 4, paragraph 2.) This comparison is improper because Rublee’s e-mail server differs from the recited management server in several respects.

First, unlike the recited management server, Rublee’s e-mail server does not provide additional function information to an additional function list receiver or an image processing apparatus. Rather, Rublee’s e-mail server merely receives e-mail data from the scanner and forwards the e-mail data to intended recipients.

Second, unlike the recited management server, Rublee’s e-mail server is not a target of transmitted authentication information. Rublee’s authentication information is received and processed entirely independent of the e-mail server.

Because of these differences between Rublee's e-server and the management server recited in the claims, Rublee fails to anticipate claims 1-10, 12-20, and 22-23. Accordingly, the rejections of these claims should be withdrawn.

C. Rublee fails to disclose additional function selection as recited in claims 1, 14, 22, and 23

Claims 1, 14, 22, and 23 each recite selection or specification of an additional function. For instance, claim 1 recites "an additional function selector for selecting a desired additional function from [an] additional function list." Rublee fails to disclose or suggest additional function selection as claimed.

The Examiner compares Rublee's entry of a client matter number with the claimed additional function selection. This comparison is improper because Rublee's entry of a matter number does not constitute selection of an additional function. Rather, Rublee's entry of a client matter merely triggers automatic selection of a set of e-mail addresses associated with the client matter number. As discussed above, Rublee's e-mail addresses are not executable functions. Because of these differences between Rublee's entry of a client matter number and the claimed additional function selection, Rublee fails to anticipate claims 1-10, 12-20, and 22-23.

D. Conclusion

In view of the foregoing, claims 1-10, 12-20, and 22-23 are allowable over Rublee. White fails to overcome Rublee's deficiencies and therefore claims 11 and 21 are allowable at least based on their respective dependences.

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CLAIMS APPENDIX

1. An image processing apparatus capable of communicating with a management server, comprising:
 - an image data input unit inputting image data;
 - an authentication information input unit inputting authentication information necessary for authenticating a user;
 - an authentication information transmitter transmitting said input authentication information to said management server;
 - an additional function list receiver receiving from said management server, in response to the transmission of said authentication information, additional function information for specifying an additional function that is registered in association with said user in an additional function list, the additional function list including at least one additional function executable by said management server;
 - an additional function selector for selecting a desired additional function from the additional function list; and
 - an instruction transmitter transmitting said additional function information and said input image data to said management server.
2. The image processing apparatus according to claim 1, further comprising a display unit displaying said received additional function information.
3. The image processing apparatus according to claim 2, wherein said display unit includes
 - a title display unit displaying a title of the additional function, and
 - a detail information display unit displaying, in response to specification of said displayed title, detail information about the additional function.

4. The image processing apparatus according to claim 1, wherein said image processing apparatus is capable of communicating with a plurality of management servers through a network, and further comprises a management server selector selecting one of said plurality of management servers.

5. The image processing apparatus according to claim 4, further comprising a detector detecting each of said plurality of management servers.

6. The image processing apparatus according to claim 5, wherein said detector includes a send unit sending a search request to said network for detecting said plurality of management servers, and a response receiver receiving a response to said search request.

7. The image processing apparatus according to claim 1, wherein said additional function list includes at least one of: a transmission process for transmitting said image data to other computer; a recording process for recording said image data in a recording medium; and an image process.

8. The image processing apparatus according to claim 7, wherein said transmission process includes a transmission through an e-mail.

9. The image processing apparatus according to claim 7, wherein said transmission process includes a file transfer process.

10. The image processing apparatus according to claim 7, wherein said recording process stores said image data in a database.

11. The image processing apparatus according to claim 7, wherein
said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction.

12. The image processing apparatus according to claim 1, wherein
said additional function list includes an image process to said image data, said image processing apparatus further comprising:
a processed image data receiver receiving a processed image data that has been executed the image process from said management server; and
an output unit outputting said received processed image data.

13. The image processing apparatus according to claim 12, wherein
said output unit is an image forming apparatus forming an image in a recording medium.

14. A management server capable of communicating with an image processing apparatus,
comprising:

an additional function storage unit storing an additional function list associating
identification information for identifying a user with an additional function executable by the
management server;

an authentication information receiver receiving authentication information necessary for
authenticating the user from said image processing apparatus;

an authentication unit determining if said received authentication information is true or not;

an additional function transmitter extracting, when said received authentication information
is determined to be true by said authentication unit, information of an additional function stored in
the additional function list in association with identification information included in said
authentication information, and transmitting the additional function information to said image
processing apparatus; and

a processing execute unit executing, when receiving image data and said additional function information from said image processing apparatus in response to the transmission of said additional function information, a process to said received image data in accordance with the additional function specified by said received additional function information.

15. The management server according to claim 14, wherein
said management server is capable of communicating with a plurality of image processing apparatuses through a network, and further comprises
a response transmitter transmitting, in response to receipt of a search request transmitted from each of said plurality of image processing apparatuses, a response to said search request to the image processing apparatus that has transmitted said search request.

16. The management server according to claim 14, wherein
said additional function list includes a transmission process transmitting said image data to another computer.

17. The management server according to claim 16, wherein
said transmission process includes a transmission through an e-mail.

18. The management server according to claim 16, wherein
said transmission process includes a file transfer process.

19. The management server according to claim 14, wherein
said additional function list includes a recording process recording said image data in a recording medium.

20. The management server according to claim 14, wherein
said additional function list includes an image process.

21. The management server according to claim 20, wherein said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction.

22. An image processing program product stored on a computer-readable medium and executed by an image processing apparatus capable of communicating with a management server, causing said image processing apparatus to execute the steps of:
inputting image data;
inputting authentication information necessary for authenticating a user;
transmitting said input authentication information to said management server;
in response to the transmission of said authentication information, receiving from said management server additional function information for specifying an additional function registered in association with said user, the additional function being executable by said management server;
accepting specification of said additional function; and
transmitting said additional function information and said input image data to said management server.

23. An information processing program product stored on a computer-readable medium, the information processing program product executed by a management server which is capable of communicating with an image processing apparatus and including an additional function list store unit storing an additional function list associating identification information for identifying a user with an additional function executable by the management server, causing said management server to execute the steps of:
receiving authentication information necessary for authenticating the user;
determining if said received authentication information is true or not;
when said received authentication information is determined to be true, extracting an additional function stored in said additional function list in association with identification information included in said authentication information and transmitting additional function

information for specifying said extracted additional function to said image processing apparatus;
and

when image data and said additional function information are received from said image processing apparatus in response to the transmission of said additional function information, executing a function to said received image data in accordance with an additional function specified by said additional function information.

EVIDENCE APPENDIX

[None]

RELATED PROCEEDINGS APPENDIX

[None]